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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,397	02/25/2002	Andreas Hofstetter	P01.0402	2404

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EXAMINER

BURGESS, BARBARA N

ART UNIT PAPER NUMBER

2157

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/009,397	<b>Applicant(s)</b> HOFSTETTER, ANDREAS	
	<b>Examiner</b> Barbara N. Burgess	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This Office Action is in response to amendments filed August 29, 2005. Claims 1-20 are presented for further examination.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 16, 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Navarre et al. (hereinafter "Navarre", US Patent 6,205,482 B1),

As per claim 16, Navarre discloses a method for operating a network for the interconnection of computers having a server and a client, comprising:

- Storing data files on said server that are executable in said server and in said client (column 2, lines 4-10, 28-35, column 3, lines 1-5; Gateway server that receives HTTP requests from clients, receives information from other servers, and sends the information to the requesting client);
- Calling said data files by said client by sending a corresponding data file address to said server (column 1, lines 66-67, column 2, lines 3-4, 22, 47-48; System and method are presented for executing a request from a client application);
- Transmitting said data files by said server to said client in response to said

calling said data files by said client, inquiring by said client to said server, which is a queried server, for a specific service offered by said server, said client using specific parameters of said service (column 3, lines 25-40; Gateway server receives request from client, determines the server application that can best process the request);

- Determining by said queried server whether it can perform said inquired service (column 3, lines 25-40; The selected server can add new server applications even when it does not recognize portions of the request);
- If said server can perform said service, said service performs said service by said server (column 4, lines 9-15; Server application uses all information from the request to process data and formulate a response);
- If said server cannot perform said service, said server switches said client to a further server or device connected to said network that is capable of executing said service (column 3, lines 35-40; New server applications can be added to process a request).

As per claim 18, Navarre discloses the method for the operation of a network according to claim 16, further comprising the steps of:  
storing information about said services offered by said server in a databank of said server (column 6, lines 1-40);  
examining said databank to determine if a service is present for an inquiry by said client (column 6, lines 33-40).

As per claim 19, Navarre discloses the method for the operation of a network according to claim 16, further comprising:  
generating an address of a further server or device for said server switching said client to said further server or device (column 4, lines 19-40);  
communicating said address to said client inquiring said server (column 5, lines 11-25).

As per claim 20, Navarre discloses the method for the operation of a network according to claim 16, further comprising:  
installing an interpreter at said server (column 3, lines 6-24, 50-56);  
interpreting, by said interpreter, language elements executable at said server contained in said data file (column 2, lines 5-10, 23-26, column 3, lines 4-10, 41-45, 53-55);  
executing, by said interpreter, said language elements executable at said Server (column 2, lines 5-10, 23-26, column 3, lines 4-10, 41-45, 53-55);  
executing, by said client, language elements executable at said client contained in said data file (column 3, lines 64-67, column 4, lines 1-15).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Navarre et al. (hereinafter "Navarre", US Patent No. 6,205,482 B1) in view of Applicant's Admitted Prior Art (hereinafter "APPA").

As per claim 1, Navarre discloses a network for the interconnection of computers, comprising:

- A client computer (column 1, lines 66-67, column 2, lines 3-4, 22, 47-48; A system and method are presented for executing a request from a client application);
- a server computer that is configured to store datafiles and transmit them to said client computer when said client computer calls them by sending a corresponding data file address to said server (column 2, lines 4-10, 28-35, column 3, lines 1-5; A gateway server that receives HTTP requests from clients, receives information from other servers, and sends the information to the requesting client);
- An interpreter in said server configured to interpret and execute said language elements executable at said server (column 3, lines 26-41, column 4, lines 9-13; Server able to process the request from the client. Therefore, an interpreter is implicitly disclosed to understand and process a client's request for a data file);
- A further logical or physical system comprising data of a different format than data exchanged between said server and said client (column 2, lines 9-10, column 3, lines 25-26, Target server applications returns requested information to the gateway server in a format that must be parsed, modified, or reformatted before it can be sent to the client);

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- a gateway installed at said server and integrated in said interpreter, said gateway being configured to set up a data connection to said further logical or physical system, and configured to automatically convert both incoming as well as outgoing data into appropriate data formats, said gateway configured to be called by language elements of said interpreter (column 2, lines 5-10, 23-26, column 3, lines 4-10, 41-45, 53-55; Gateway coupled to target server application and used to convert and reformat information received from the target servers).

Navarre does not explicitly disclose:

- Wherein said data files are structured to contain both language elements executable at said client as well as language elements executable at said server.

However, Applicant's Admitted Prior Art discloses a technique in which it is possible to provide data files at the server that are called by the client and comprise language elements that can be executed both at the client as well as at the server. Similar techniques are known under the trademarks Live Wire and Active™ Server Pages™ (Specification, paragraph. [0013]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate APPA's data files structured to contain both language elements executable at said client as well as language elements executable at said server in Navarre's network in order to execute elements at both the client and server.

As per claim 2, Navarre discloses the network according to claim 1, further comprising additional gateways which, in addition to said gateway, comprise a plurality of gateways, said plurality of gateways being integrated in said interpreter and being callable by said language elements of said interpreter (column 2, lines 40-44).

As per claim 3, Navarre discloses the network according to claim 1, wherein said interpreter is configured at said server such that said language elements executable at said server are executed at said server after a calling of said datafiles by a client and before transmission of said datafiles to said client (column 3, lines 4-20).

As per claim 4, Navarre discloses the network according to claim 1, wherein said datafile address corresponds to a URL format and wherein said server is a web server, said datafiles being callable with an Internet browser installed at said client (column 3, lines 1-5, 55-67).

As per claim 5, Navarre discloses the network according to claim 1, wherein said datafiles that are stored at said server and being fetchable by said client correspond to a mark-up language format that is expanded by said language elements executable at said server (column 3, lines 60-67, column 6, lines 45-67).



As per claim 6, Navarre discloses the network according to claim 1, wherein said gateway is configured to convert data in a format selected from the group consisting of SNMP, LP, PJMweb, and FTP (column 3, lines 50-60).

As per claim 7, Navarre discloses the network according to claim 1, wherein said gateway is configured to be called by language elements of said interpreter (column 3, lines 53-59).

As per claim 8, Navarre discloses the network according to claim 1, further comprising:  
programs configured to drive at least one printer or pre-processing or post-processing devices installed at said server, said programs configured to be called by said interpreter (column 3, lines 4-24).

As per claim 9, Navarre discloses an interpreter for a network, wherein said interpreter configured to be installed at a server of a network for interconnecting computers, said interpreter being configured to interpret and execute language elements executable at said server that are contained in a datafile stored at said server, wherein a client is configured to receive said datafile, said datafile comprising additional language elements executable at said client (column 3, lines 6-24, 50-56, gateway server able to identify the technical implementation of the request, presentation languages supported, and other processing rules needed to satisfy the request).

As per claim 10, Navarre discloses the interpreter according to claim 9, further comprising a command for generating string entries in said datafile (column 3, lines 47-59).

As per claim 11, Navarre discloses the interpreter according to claim 9, further comprising a command for setting string entries at a predetermined location of said datafile (column 4, lines 36-50).

As per claim 12, Navarre discloses the interpreter according to claim 9, further comprising a command for reading in a string transmitted from said client to said server, said interpreter being configured to store said string into a predetermined variable (column 3, lines 1-10).

As per claim 13, Navarre discloses the interpreter according to claim 9, further comprising a command for calling a gateway and querying a system connected to said gateway (column 3, lines 5-24).

As per claim 14, Navarre discloses the interpreter according to claim 9, further comprising:  
a group of client commands that can be called both proceeding from said client as well as from said server (column 3, lines 1-10, 50-65);

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a group of server commands that can only be called proceeding from said Server (column 3, lines 50-65).

As per claim 15, a data carrier composing an interpreter according to claim 9 (column 3, lines 6-24, 50-56).

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Navarre et al. (hereinafter "Navarre", US Patent No. 6,205,482 B1) in view of Smith et al. (hereinafter "Smith", US Patent No. 6,502,191 B1).

As per claim 17, Navarre discloses the method for the operation of a network according to claim 16.

Navarre does not explicitly disclose wherein service offered by said server is executing a print order, and said method further comprising:

forwarding, by said server, said print order to another server or directly to a printer device when said server itself cannot execute said print order.

However, in an analogous art, Smith discloses a server converting text packets back to the original binary data to be forwarded to printers (column 2, lines 25-35, 62-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Smith's printer device in Navarre's system in order for data to be sent in a format that the printer can understand.

***Response to Arguments***

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess  
Examiner  
Art Unit 2157

November 12, 2005

  
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